

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
Martin Luther King, Jr. Federal Building and Courthouse
50 Walnut Street
P.O. Box 419
Newark, New Jersey 07101-0419

FILED
JAN 27 2004
U.S. DISTRICT COURT
DISTRICT OF MASS.

William T. Walsh, CLERK

Clerk, US District Court
Bethaney Healey
1550 Main Street
Springfield, Massachusetts 01103

RE: United States of America v. Jose Garcia
Your # 03-30008-MAP Our #04-mj-3005(PS)

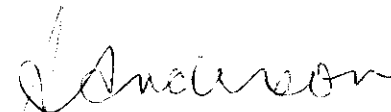
Dear Clerk,

An initial appearance was held on 1/7/04 in the above captioned case.

Enclosed please find all original documents of the Rule 40 Proceedings and a certified copy
of the docket sheet.

Please acknowledge receipt of the enclosed by returning a copy of this letter. A self
addressed envelope is enclosed for your convenience.

Respectfully,



Amy Andersonn, Deputy Clerk

cc: file

CLOSED

**U.S. District Court
District of New Jersey [LIVE] (Newark)
CRIMINAL DOCKET FOR CASE #: 2:04-mj-03005-PS-ALL
Internal Use Only**

Case title: USA v. GARCIA

Other court case number(s): None

Date Filed: 01/07/04

Magistrate judge case number(s): None

Assigned to: Magistrate Judge Patty

Shwartz

Referred to:

Defendant(s)

JOSE I. GARCIA (1)

represented by **DAVID HOLMAN**
OFFICE OF THE FEDERAL PUBLIC
DEFENDER
972 BROAD STREET
NEWARK, NJ 07102
(973) 645-6347
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

Certified as a true copy on
This Date: 1/15/04
By [Signature]
() Clerk
() Deputy

Highest Offense Level (Terminated)

None

Complaints

21:846 CONSPIRACY TO
DISTRIBUTE A CONTROLLED
SUBSTANCE

Disposition

Plaintiff

USA

represented by **JOSHUA DREW**
UNITED STATES ATTORNEY'S
OFFICE
970 BROAD STREET
NEWARK, NJ 07102
973-645-2734
Email: joshua.drew@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Filing Date	#	Docket Text
01/06/2004	●	Arrest (Rule 40) of JOSE I. GARCIA (aa,) (Entered: 01/09/2004)
01/07/2004	● <u>1</u>	CJA 23 Financial Affidavit by JOSE I. GARCIA (aa,) (Entered: 01/09/2004)
01/07/2004	● <u>2</u>	Minute Entry for proceedings held before Judge Patty Shwartz :Initial Appearance in Rule 40 Proceedings as to JOSE I. GARCIA held on 1/7/2004. Spanish interpreter sworn. (Defendant informed of rights.) Appointment of DAVID HOLMAN, AFPD, Court ordered defendant detained and remanded to the District of Massachusetts. (Tape #S04-02.) (aa,) (Entered: 01/09/2004)
01/07/2004	● <u>3</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER David Holman as to JOSE I. GARCIA . Signed by Judge Patty Shwartz on 1/7/04. (aa,) (Entered: 01/09/2004)
01/07/2004	● <u>4</u>	WAIVER of Rule 40 Hearings by JOSE I. GARCIA (aa,) (Entered: 01/09/2004)

01/07/2004	5	COMMITMENT TO ANOTHER DISTRICT as to JOSE I. GARCIA. Defendant committed to District of Massachusetts . Signed by Judge Patty Shwartz on 1/7/04. (aa,) (Entered: 01/09/2004)
01/07/2004		WARRANT of Removal to District of Massachusetts Issued as to JOSE I. GARCIA. (aa,) (Entered: 01/09/2004)
01/09/2004		***Case Terminated as to JOSE I. GARCIA (aa,) (Entered: 01/09/2004)

FINANCIAL AFFIDAVIT

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITHOUT PAYMENT OF FEE

CJA 23

REV 1/90

IN THE UNITED STATES
IN THE CASE OF☐ MAGISTRATE ☐ DISTRICT ☐ APPEALS COURT or ☐ OTHER PANEL (Specify below)

USA VS Garcia

FOR

AT

LOCATION NUMBER

PERSON REPRESENTED (Show your full name)

Jose Ivan Garcia

CHARGE/OFFENSE (describe if applicable & check box →)

☐ Felony
☐ Misdemeanor

- ☐ Defendant—Adult
☐ Defendant—Juvenile
☐ Appellant
☐ Probation Violator
☐ Parole Violator
☐ Habeas Petitioner
☐ 2255 Petitioner
☐ Material Witness
☐ Other (Specify)

DOCKET NUMBER

Magistrate

District Court

Court of Appeals

ASSETS

EMPLOY-
MENTAre you now employed? ☐ Yes ☐ No ☒ Am Self Employed

Name and address of employer: Cardale

IF YES, how much do you
earn per month? \$ 6500IF NO, give month and year of last employment
How much did you earn per month \$If married is your Spouse employed? ☐ Yes ☐ NoIF YES, how much does your
Spouse earn per month \$If a minor under age 21, what is your Parents or
Guardian's approximate monthly income \$OTHER
INCOMEHave you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? ☐ Yes ☒ No

IF YES, GIVE THE AMOUNT

RECEIVED

SOURCES

RECEIVED & IDENTIFY \$

THE SOURCES

CASH

Have you any cash on hand or money in savings or checking account ☐ Yes ☒ No IF YES, state total amount \$PROP-
ERTYDo you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☐ Yes ☒ NoIF YES, GIVE VALUE AND \$
DESCRIBE IT

VALUE

DESCRIPTION

DEPENDENTS

MARITAL STATUS

☒ SINGLE☐ MARRIED☐ WIDOWED☐ SEPARATED OR
DIVORCEDTotal
No. of
Dependents

2

List persons you actually support and your relationship to them

Self
Girlfriend
2 children - 6, 18 mosOBLIGATIONS
& DEBTSDEBTS &
MONTHLY
BILLSLIST ALL CREDITORS
INCLUDING BANKS
LOAN COMPANIES
CHARGE ACCOUNTS
ETC:APARTMENT
OR HOME:

Creditors

Total Debt

Monthly Payt.

Rent
Utilities
Credit Card

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

SIGNATURE OF DEFENDANT
(OR PERSON REPRESENTED)

I certify the above to be correct.

JOSE I GARCIA

WARNING: A FALSE OR DISHONEST ANSWER TO A QUESTION IN THIS AFFIDAVIT MAY BE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH.

Other Documents

2:04-mj-03005-PS USA v. GARCIA

U.S. District Court

District of New Jersey [LIVE]

Notice of Electronic Filing

The following transaction was received from aa, entered on 1/9/2004 at 10:23 AM EST and filed on 1/7/2004

Case Name: USA v. GARCIA

Case Number: 2:04-mj-3005

Filer:

Document Number: 1

Docket Text:

CJA 23 Financial Affidavit by JOSE I. GARCIA (aa,)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1046708974 [Date=1/9/2004] [FileNumber=5472-0] [9db5912076b777cddb822b0e72228019eca3f288d8350ac4130ad69e478b2db61d2e090229c66c192d78c3656febe9db8a14622df275e5295dfaa595a2941509]]

2:04-mj-3005-1 Notice will be electronically mailed to:

JOSHUA DREW joshua.drew@usdoj.gov, maggie.caraballo@usdoj.gov

2:04-mj-3005-1 Notice will not be electronically mailed to:

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

JOSE I. GARCIA

: MAGISTRATE'S COURTROOM MINUTES

: MAGISTRATE NO.: 04-mj3005: DATE OF PROCEEDINGS: 1/7/04: DATE OF ARREST: 1/6/04PROCEEDINGS: Initial Appearance (Rule 40)

() COMPLAINT
 () ADVISED OF RIGHTS
 () WAIVER OF COUNSEL
 () APPT. OF COUNSEL: ☒ AFPD ☐ CJA
 () WAIVER OF HRG.: ☐ PRELIM ☐ REMOVAL
 () CONSENT TO MAGISTRATE'S JURISDICTION
 () PLEA ENTERED: ☐ GUILTY ☐ NOT GUILTY
 () PLEA AGREEMENT DATED _____
 () OTHER _____

() ORDER OF RELEASE
 () TEMPORARY COMMITMENT
 () SENTENCE
 () BOND REVIEW
 () ARREST WARRANT TO ISSUE
 () BAIL SET: _____
 () TRAVEL RESTRICTED _____
 () REPORT TO PRETRIAL SERVICES
 () DRUG TESTING AND/OR TREATMENT
 () SURRENDER &/OR OBTAIN NO PASSPORT
 () OTHER Commitment to another district.

HEARING(S) SET FOR:

() PRELIMINARY / REMOVAL HRG.
 () DETENTION / BAIL HRG.
 () TRIAL: ☐ COURT ☐ JURY
 () SENTENCING
 () OTHER: _____

DATE: _____
 DATE: _____
 DATE: _____
 DATE: _____

APPEARANCES:

AUSA Joshua DrewDEFT. COUNSEL David Holman, AFPD

PROBATION _____

INTERPRETER Sara Garcia Rangel
Language: (Spanish)

Time Commenced: 2:45
 Time Terminated: 3:00
 Adjourned to: _____
 Tape No: SD4-02
 Count: _____
 Court Reporter: _____

Amy Andersonn

DEPUTY CLERK

Minute Entries

2:04-mj-03005-PS USA v. GARCIA

U.S. District Court

District of New Jersey [LIVE]

Notice of Electronic Filing

The following transaction was received from aa, entered on 1/9/2004 at 4:57 PM EST and filed on 1/7/2004

Case Name: USA v. GARCIA

Case Number: 2:04-mj-3005

Filer:

Document Number: 2

Docket Text:

Minute Entry for proceedings held before Judge Patty Shwartz :Initial Appearance in Rule 40 Proceedings as to JOSE I. GARCIA held on 1/7/2004. Spanish interpreter sworn. (Defendant informed of rights.) Appointment of DAVID HOLMAN, AFPD, Court ordered defendant detained and remanded to the District of Massachusetts. (Tape #S04-02.) (aa,)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1046708974 [Date=1/9/2004] [FileNumber=6357-0] [8a20264778e54cf359afbbc8ccd2de6892cd0ed69df2d698eee09ca350a9e3a911ed99a51feef9e6703b82ace056034e2e39c1c3a9997e8dedb51e28ccf9984b]]

2:04-mj-3005-1 Notice will be electronically mailed to:

JOSHUA DREW joshua.drew@usdoj.gov, maggie.caraballo@usdoj.gov

2:04-mj-3005-1 Notice will not be electronically mailed to:

DAVID HOLMAN
OFFICE OF THE FEDERAL PUBLIC DEFENDER
972 BROAD STREET
NEWARK, NJ 07102

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

ORDER

v.

JOSE I. GARCIA

MAGISTRATE NO. 04mj3005

The financial inability of the defendant to retain counsel having been established by the Court, and the defendant not having waived the appointment of counsel,

It is on this 7th day of January, 2004 ,

ORDERED that David Holman from the Office of the Federal Public Defender for the District of New Jersey is hereby appointed to represent said defendant in the cause until further order of the Court.

s/Patty Shwartz

PATTY SHWARTZ

United States Magistrate Judge

Other Orders/Judgments

2:04-mj-03005-PS USA v. GARCIA

U.S. District Court

District of New Jersey [LIVE]

Notice of Electronic Filing

The following transaction was received from aa, entered on 1/9/2004 at 5:00 PM EST and filed on 1/7/2004

Case Name: USA v. GARCIA

Case Number: 2:04-mj-3005

Filer:

Document Number: 3

Docket Text:

ORDER APPOINTING FEDERAL PUBLIC DEFENDER David Holman as to JOSE I. GARCIA .
Signed by Judge Patty Shwartz on 1/7/04. (aa,)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1046708974 [Date=1/9/2004] [FileNumber=6360-0] [9
3dc0b4e2fe5e54809ca20e19fbc5e47856d5e312beb6df7bab0e92ad74f7c80653f677
7b4189f579df4235bbb94cf1642259f8bc45ba2fc4d613f1a7b1e4732]]

2:04-mj-3005-1 Notice will be electronically mailed to:

JOSHUA DREW joshua.drew@usdoj.gov, maggie.caraballo@usdoj.gov

2:04-mj-3005-1 Notice will not be electronically mailed to:

DAVID HOLMAN
OFFICE OF THE FEDERAL PUBLIC DEFENDER
972 BROAD STREET
NEWARK, NJ 07102

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

WAIVER OF RULE 40 HEARINGS
(All Criminal Cases)

V.

JUDGE: PATTY SHWARTZ

JOSE I. GARCIA

Defendant

CASE NUMBER: 04-mj-3005(PS)

I understand that charges are pending in the District of Massachusetts

alleging violation of Title 21 USC section 846 Title 21 USC 341 and that I have been arrested in this district and
(Title and Section / Probation / Supervised Release)

taken before a United States magistrate judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;

- Check one only -

☐ ALL CASES EXCEPT PROBATION OR SUPERVISED RELEASE:

- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

☐ PROBATION OR SUPERVISED RELEASE VIOLATION CASES:

- (3) a preliminary hearing (but only if I will be kept in custody, and only to be held in this district if the violation occurred here) to determine whether there is probable cause to believe a violation occurred; and
- (4) a hearing under Rule 32.1(a)(6), Fed. R. Crim. P., in which I have the burden of establishing my eligibility for release from custody.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- ☐ identity hearing
- ☐ preliminary hearing
- ☒ identity hearing and have been informed I have no right to a preliminary hearing
- ☐ identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

JOSE I GARCIA
DefendantDavid A. Hlme
Defense CounselJanuary 7, 2004
Date

Waivers

2:04-mj-03005-PS USA v. GARCIA

U.S. District Court

District of New Jersey [LIVE]

Notice of Electronic Filing

The following transaction was received from aa, entered on 1/9/2004 at 5:01 PM EST and filed on 1/7/2004

Case Name: USA v. GARCIA
Case Number: 2:04-mj-3005
Filer: Dft No. 1 - JOSE I. GARCIA
Document Number: 4

Docket Text:

WAIVER of Rule 40 Hearings by JOSE I. GARCIA (aa,)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1046708974 [Date=1/9/2004] [FileNumber=6363-0] [3
3eb9e6466e8b10410c5f19b3ba4c484a817e8089def8ecd3950252d62ce9997d73ab81
fc3973128496e1f3d40e745dede63a89a94f2b078b058f2d124813da3]]

2:04-mj-3005-1 Notice will be electronically mailed to:

JOSHUA DREW joshua.drew@usdoj.gov, maggie.caraballo@usdoj.gov

2:04-mj-3005-1 Notice will not be electronically mailed to:

DAVID HOLMAN
OFFICE OF THE FEDERAL PUBLIC DEFENDER
972 BROAD STREET
NEWARK, NJ 07102

United States District Court District of New Jersey

UNITED STATES OF AMERICA

**COMMITMENT TO ANOTHER
DISTRICT**

v.

JOSE I. GARCIA

DOCKET NUMBER

MAGISTRATE JUDGE CASE NUMBER

District of Arrest

District of Offense

District of Arrest

District of Offense

03-30008

Mag. No. 04-3005

CHARGES AGAINST THE DEFENDANT ARE BASED UPON

Violation of 21 U.S.C. § 846

DISTRICT OF OFFENSE: District of Massachusetts

DESCRIPTION OF CHARGES: Jose Garcia conspired with others to possess and distribute cocaine, cocaine base, and heroin.

Current Bond Status:

- ☐ Bail fixed at _____ and conditions were not met SEE BELOW
☒ Government moved for detention and defendant detained after hearing in District of Arrest.
☐ Government moved for detention and defendant detained pending detention hearing in District of Offense
☐ Other (specify) _____

 Representation: ☐ Retained own counsel ☒ Federal Defender Organization ☐ CJA Attorney ☐ None
Interpreter Required? ☒ No ☒ Yes

Language: Spanish

DISTRICT OF NEW JERSEY

TO: THE UNITED STATES MARSHAL

Your are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

Date

HONORABLE PATTY SHWARTZ, U.S. Magistrate Judge

RETURN

This Commitment was received and executed as follows:

THIS COMMITMENT ORDER
RECEIVED

PLACE OF COMMITMENT

DATE DEFENDANT COMMITTED

DATE

UNITED STATES MARSHAL

(BY) DEPUTY MARSHAL

Other Orders/Judgments

2:04-mj-03005-PS USA v. GARCIA

U.S. District Court

District of New Jersey [LIVE]

Notice of Electronic Filing

The following transaction was received from aa, entered on 1/9/2004 at 5:07 PM EST and filed on 1/7/2004

Case Name: USA v. GARCIA

Case Number: 2:04-mj-3005

Filer:

Document Number: 5

Docket Text:

COMMITMENT TO ANOTHER DISTRICT as to JOSE I. GARCIA. Defendant committed to District of Massachusetts . Signed by Judge Patty Shwartz on 1/7/04. (aa,)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1046708974 [Date=1/9/2004] [FileNumber=6366-0] [3676c6cf229dde98b667bf7e935ab619fb1cbf3a7d635129f49c023f5c69a482739746d62f8ff1d05e8d095a7941c95b3af4246f5a9085023d34a61ffab95e79]]

2:04-mj-3005-1 Notice will be electronically mailed to:

JOSHUA DREW joshua.drew@usdoj.gov, maggie.caraballo@usdoj.gov

2:04-mj-3005-1 Notice will not be electronically mailed to:

DAVID HOLMAN
OFFICE OF THE FEDERAL PUBLIC DEFENDER
972 BROAD STREET
NEWARK, NJ 07102